

A.4. On or about January 16, 2007, the State of Washington Department of Health, Board of Physical Therapy entered into a Stipulated Findings of Fact, Conclusions of Law and Agreed Order with Respondent whereby Respondent's Washington Physical Therapist license was revoked for a period of at least ten (10) years except that, if Respondent's conviction in Case No. 04-1-03452-0 is reversed and Respondent is acquitted of all charges, Respondent could petition the Washington Board of Physical Therapy to vacate the Agreed Order and reinstate his license. A true and correct copy of the Stipulated Findings of Fact, Conclusion of Law and Agreed Order in State of Washington Department of Health, Board of Physical Therapy Docket No. 06-03-A-1017PT is attached as Exhibit A.

A.5. The allegations of Paragraphs A.3 and A.4, if proven, would violate the laws and rules governing the practice of physical therapy, specifically Idaho Code §§ 54-2219(7) (conviction of a felony) and 54-2219(9) (having a license revoked or suspended by another state's physical therapy licensure board). Violations of these laws constitute grounds for disciplinary action against Respondent's license to practice physical therapy in the State of Idaho.

B. Waiver of Procedural Rights

I, James Gordon Aiton, by affixing my signature hereto, acknowledge that:

B.1. I have read, understand and admit the allegations pending before the Board, as stated in Section A, Paragraphs A.3 and A.4. I further understand that these allegations constitute cause for disciplinary action upon my license to practice physical therapy in the State of Idaho.

B.2. I understand that I have the right to a full and complete hearing; the right to confront and cross-examine witnesses; the right to present evidence or to call witnesses, or to testify myself; the right to reconsideration of the Board's orders; the right to judicial review of the Board's orders; and all rights accorded by the Administrative Procedure Act of the State of Idaho and the laws and rules governing the practice of physical therapy in

the State of Idaho. I hereby freely and voluntarily waive these rights in order to enter into this Stipulation as a resolution of the pending allegations.

B.3. I understand that in signing this Stipulation I am enabling the Board to impose disciplinary action upon my license without further process.

C. Stipulated Discipline

C.1. Except as provided in Paragraph C.2 below, License No. PT-1663 issued to Respondent James Gordon Aiton, including any renewal rights, is hereby REVOKED, and Respondent shall immediately return said license to the Bureau of Occupational Licenses.

C.2. If (1) Respondent's conviction in Washington Superior Court for King County Case No. 04-1-03452-0 is reversed and Respondent is acquitted of all charges in that case, and (2) the State of Washington Department of Health, Board of Physical Therapy reinstates Respondent's State of Washington Physical Therapist license, and these events occur before July 1, 2011, Respondent may petition the Board to vacate this Stipulation and Consent Order and reinstate his license and renewal rights. The Board shall expeditiously respond to any such petition. If the Board determines that Respondent's license shall be reinstated, Respondent shall pay all renewal fees to bring his license current and shall comply with all other conditions of renewal of his license which may include continuing education. If Respondent seeks reinstatement of his license after July 1, 2011, Respondent shall apply as a new applicant.

C.3. All costs associated with compliance with the terms of this Stipulation are the sole responsibility of Respondent.

C.4. The violation of any of the terms of this Stipulation by Respondent may warrant further Board action. The Board therefore retains jurisdiction over this proceeding until all matters are finally resolved as set forth in this Stipulation.

D. Presentation of Stipulation to Board

D.1. The Board's prosecutor shall present this Stipulation to the Board with a recommendation for approval.

D.2. The Board may accept, modify with Respondent's approval, or reject this Stipulation. If the Board rejects the Stipulation, an administrative Complaint may be filed with the Board. Respondent waives any right Respondent may have to challenge the Board's impartiality to hear the allegations in the administrative Complaint based on the fact that the Board has considered and rejected this Stipulation. Respondent does not waive any other rights regarding challenges to Board members.

D.3. If the Board rejects this Stipulation then, except for Respondent's waiver set forth in Paragraph D.2., this Stipulation shall be regarded as null and void, and admissions in this Stipulation and negotiations preceding the signing of this Stipulation will not be admissible at any subsequent disciplinary hearing.

D.4. Except for Paragraph D.2. which becomes effective when Respondent signs this Stipulation, this Stipulation shall not become effective until it has been approved by a majority of the Board and a Board member signs the attached Order.

E. Violation of Stipulation and Consent Order

E.1. If Respondent violates this Stipulation and Consent Order, the violation shall be considered grounds for additional discipline and the Board may impose additional discipline pursuant to the following procedure:

a. The Chief of the Bureau of Occupational Licenses shall schedule a hearing before the Board to assess whether Respondent has violated this Stipulation and Consent Order. The Chief shall also serve notice of the hearing and charges to Respondent and to Respondent's attorney, if any. Within twenty-one (21) days after the notice of the hearing and charges is served, Respondent may submit a response to the allegations. If Respondent does not submit a timely response to the Board, the alleged violations will be deemed admitted.

b. At the hearing, the Board and Respondent may submit evidence and present oral argument based upon the record in support of their positions. Unless otherwise ordered by the Board, the evidentiary record before the Board shall be limited

to evidence relevant to whether Respondent has violated this Stipulation and Consent Order. At the hearing the facts and substantive matters related to the violations described in Section A shall not be at issue.

c. At the hearing, the Board may impose additional discipline, which may include the suspension or revocation of Respondent's license, the imposition of fines, the recovery of costs and attorney fees incurred by the Board and/or other conditions or limitations upon Respondent's practice.

E.2. This Stipulation and Consent Order is the resolution of a contested case and is a public record.

E.3. This Stipulation contains the entire agreement between the parties, and Respondent is not relying on any other agreement or representation of any kind, verbal or otherwise.

I have read the above Stipulation fully and have had the opportunity to discuss it with legal counsel. I understand that by its terms I am waiving certain rights accorded me under Idaho law. I understand that the Board may either approve this Stipulation as proposed, approve it subject to specified changes, or reject it. I understand that, if approved as proposed, the Board will issue an Order on this Stipulation according to the aforementioned terms, and I hereby agree to the above Stipulation for settlement. I understand that if the Board approves this Stipulation subject to changes, and the changes are acceptable to me, the Stipulation will take effect and an order modifying the terms of the Stipulation will be issued. If the changes are unacceptable to me or the Board rejects this Stipulation, it will be of no effect.

DATED this 10TH day of SEPTEMBER, 2007.

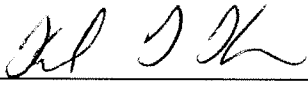


James Gordon Aiton
Respondent

I recommend that the Board enter an Order based upon this Stipulation.

DATED this 13th day of September, 2007.

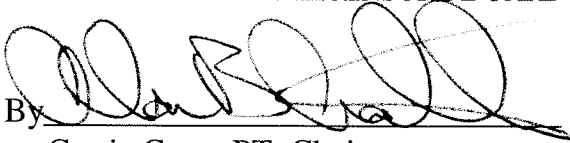
STATE OF IDAHO
OFFICE OF THE ATTORNEY GENERAL

By 
Karl T. Klein
Deputy Attorney General

ORDER

Pursuant to Idaho Code § 54-2220, the foregoing is adopted as the decision of the Idaho State Physical Therapy Licensure Board in this matter and shall be effective on the 16th day of 2007, 2007. **IT IS SO ORDERED.**

IDAHO STATE
PHYSICAL THERAPY LICENSURE BOARD

By 
~~Carrie Coen, PT, Chair~~
Alan Crothers, PT, Chair

CERTIFICATE OF SERVICE


I HEREBY CERTIFY that on this 16th day of 2007, 2007, I caused to be served a true and correct copy of the foregoing by the following method to:

James Gordon Aiton
17837 First Avenue S.
Normandy Park, WA 98148

- ☒ U.S. Mail
- ☐ Hand Delivery
- ☒ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☐ Statehouse Mail

Karl T. Klein
Deputy Attorney General
P.O. Box 83720
Boise, ID 83720-0010

- ☐ U.S. Mail
- ☐ Hand Delivery
- ☐ Certified Mail, Return Receipt Requested
- ☐ Overnight Mail
- ☐ Facsimile: _____
- ☒ Statehouse Mail



Tana Cory, Chief
Bureau of Occupational Licenses

**STATE OF WASHINGTON
DEPARTMENT OF HEALTH
BOARD OF PHYSICAL THERAPY**

In the Matter of the License to Practice
as a Physical Therapist of

JAMES G. AITON
License No. PT00005217

Respondent.

Docket No. 06-03-A-1017PT

**STIPULATED FINDINGS OF
FACT, CONCLUSIONS OF LAW
AND AGREED ORDER**

The Board of Physical Therapy (Board), by and through Peter J. Harris,
Department of Health Staff Attorney, and Respondent, James G. Aiton, represented by
counsel, Aaron K. Owada and Martin D. McLean, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 Respondent is licensed to practice as a physical therapist in the state of
Washington.

1.2 On May 2, 2006, the Board issued a Statement of Charges against
Respondent.

1.3 In the Statement of Charges, the Board alleges that Respondent violated
RCW 18.130.180(1), (13), and (17). Specifically, the Board alleges that Respondent was
convicted of a felony relating to the practice of his profession in violation of RCW
18.130.180(17) and, based on that conviction, committed acts involving moral turpitude,
dishonesty or corruption in violation of RCW 18.130.180(1), insofar as Respondent was
convicted for Theft in the First Degree in January 2006. The Board also alleges that
Respondent engaged in fraud in an aspect of his business or profession in violation of
RCW 18.130.180(13) and, based on such acts, committed acts involving moral turpitude,
dishonesty or corruption in violation of RCW 18.130.180(1), insofar as Respondent
allegedly falsely billed the Department of Labor and Industries over \$375,000 for services
he did not provide.

1.4 Respondent understands that the State is prepared to proceed to a hearing
on the allegations in the Statement of Charges.

ORIGINAL

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND AGREED ORDER
DOCKET NO. 06-03-A-1017PT

PAGE 1 OF 5

AO - REV. 10-05

Exhibit A
Page 1 of 5

1.5 Respondent understands that if the allegations are proven at a hearing, the Board has the authority to impose sanctions pursuant to RCW 18.130.160.

1.6 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.7 Except as otherwise provided in this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order), Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Board accepts this Agreed Order.

1.8 The parties agree to resolve this matter by means of this Agreed Order.

1.9 Respondent has appealed the felony conviction which is the subject of this action. Although Respondent agrees to resolve this matter by agreeing to revocation of his physical therapy license, Respondent will only do so if any such revocation can be vacated in the event his conviction is reversed and he is acquitted. To resolve this case, the parties therefore stipulate that the Board should vacate this Agreed Order if the conviction is reversed and Respondent is acquitted of the charges that resulted in that conviction.

1.10 The parties further stipulate that, if this Agreed Order is vacated, the Board should be permitted to prosecute charges under RCW 18.130.180(1) and 18.130.180(13) based on Respondent's allegedly false billings to the Department of Labor and Industries. The parties therefore stipulate to the dismissal without prejudice of the charges based on those allegations. Respondent waives any and all future defenses, including laches, based on the current dismissal and future prosecution of those charges.

1.11 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Board.

1.12 If the Board accepts this Agreed Order, it is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61, RCW 18.130.110 and any other applicable interstate/national reporting requirements. It is a public document and will be available on the Department of Health web site.

1.13 If the Board rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Board members who heard the Agreed Order presentation.

Section 2: FINDINGS OF FACT

The State and Respondent stipulate to the following facts:

2.1 James G. Aiton, Respondent, was issued a license to practice as a physical therapist by the state of Washington in December 1990. Respondent's license is currently active.

2.2 On or about January 6, 2006, Respondent was convicted of Theft in the First Degree, a felony, in the King County Superior Court, state of Washington, Case No. 04-1-03452-0 SEA.

Section 3: CONCLUSIONS OF LAW

The State and Respondent agree to the entry of the following Conclusions of Law:

3.1 The Board has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 Based upon the above-referenced conviction, Respondent has committed unprofessional conduct in violation of RCW 18.130.180(1) and (17).

3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 The license to practice as a physical therapist in the state of Washington held by James G. Aiton, shall be and is hereby REVOKED with no right to seek modification of this Agreed Order and/or reinstatement of licensure for a period of at least ten (10) years from the effective date of this Agreed Order, except as provided in Paragraph 4.3.

4.2 Respondent shall present both portions of his license to the Department of Health, Board of Physical Therapy within ten (10) days of receipt of this Agreed Order.

4.3 If Respondent's January 2006 conviction for Theft in the First Degree is reversed and Respondent is acquitted of all charges in that case, Respondent may petition to vacate this Agreed Order and reinstate his license regardless of whether the revocation period has passed. If presented with evidence sufficient to establish reversal

of the conviction and Respondent's acquittal, the Board shall vacate this Agreed Order upon Respondent's petition to vacate and reinstate Respondent's license so long as Respondent is, at the time, otherwise legally eligible for licensure. The Department and the Board shall expeditiously respond to any such petition.

4.4 The Board's charges that Respondent violated RCW 18.130.180(1) and (13) by falsely billing the Department of Labor and Industries for over \$375,000 for services Respondent did not provide, are dismissed without prejudice. If this Agreed Order is vacated, the Board may re-file those charges.

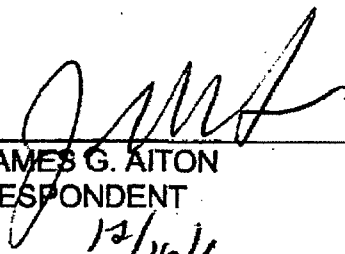
4.5 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

4.6 Respondent is responsible for all costs of complying with this Agreed Order.

4.7 The effective date of this Agreed Order is that date the Adjudicative Service Unit places the signed Agreed Order into the U.S. mail. Respondent shall not submit any fees or compliance documents until after the effective date of the Agreed Order.

Section 5: ACCEPTANCE

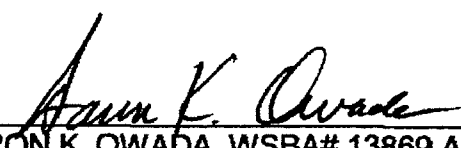
I, James G. Aiton, Respondent, have read, understand and agree to this Agreed Order. This Agreed Order may be presented to the Board without my appearance. I understand that I will receive a signed copy if the Board accepts this Agreed Order.



JAMES G. AITON
RESPONDENT

12/16/06

DATE



AARON K. OWADA, WSBA# 13869 AND/OR
MARTIN D. MCLEAN, WSBA# 33269
ATTORNEYS FOR RESPONDENT

12/19/06

DATE

Section 6: ORDER

The Board accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.


DATED: Jan 16, 2007

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
BOARD OF PHYSICAL THERAPY



PANEL CHAIR

PRESENTED BY:



PETER J. HARRIS, WSSA #24631
DEPARTMENT OF HEALTH STAFF ATTORNEY

1-16-07

DATE

FOR INTERNAL USE ONLY:

PROGRAM NO. 2004-09-0002PT

STIPULATED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND AGREED ORDER
DOCKET NO. 06-03-A-1017PT

PAGE 5 OF 5

AO-REV. 10-05

Exhibit A
Page 5 of 5